



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(112)

CM-18581-CWP-2024 in/and
CWP-19546-2012 (O&M)
Date of Decision : 20.01.2025

Ram Kishore Verma

...Petitioner

Versus

M/s Delton Cables Limited and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Harsh Aggarwal, Advocate for the petitioner.

Mr. Aashish Chopra, Senior Advocate with
Ms. Nitika Sharma, Advocate for respondent No. 1.

Harsimran Singh Sethi J. (Oral)

CM-18581-CWP-2024

The present application has been filed for hearing the main petition as, the petitioner is a senior citizen and is suffering keeping in view the fact that the benefits for which the petitioner is entitled, have not been granted to him and rather, he has been tricked into leaving the job.

Notice of the application to counsel for the respondents.

Mr. Aashish Chopra, Senior Advocate with Ms. Nitika Sharma, Advocate, who is present in Court, accepts notice on behalf of respondent No. 1 and raises no objection for the grant of prayer as made in the present application.



Keeping in view the facts mentioned in the application, which are duly supported by an affidavit, the application is allowed.

On the joint request of learned counsel for the parties, the main petition is taken up for hearing.

CWP-19546-2012

1. In the present petition, the challenge is to the Award of the Labour Court dated 23.07.2012 (Annexure P-7), according to which, the claim of the petitioner that he had not given voluntarily retirement and in fact, order dated 27.09.1995 (Annexure P-2) amounts to termination, has not been accepted though, the petitioner has been able to prove before the Labour Court that the voluntarily retirement request was coercive and manipulated.

2. Learned senior counsel appearing on behalf of the respondents submits that there was no such assertions given to the petitioner that he will be given salary for 106 days for each completed year of service for submitting the application for voluntarily retirement and no such evidence has been brought on record to prove the said averment and rather, this is an afterthought so as to declare the order compulsory retiring him, which though was passed on his request only, as arbitrary and illegal so as to continue in service, which assertion of the petitioner has not been accepted by the Tribunal rightly and the Award may kindly be upheld.

3. I have heard learned counsel for the parties and have gone through the record with their able assistance.

4. From the facts, it transpires that the petitioner had given a request to the respondents for voluntarily retirement. Keeping in view the



said request, the respondent-Institution accepted the same by which the petitioner sought voluntarily retirement.

5. After the voluntarily retirement, the petitioner raised a grievance that his request for voluntarily retirement was with the condition that he was to get salary for a period of 106 days for each completed year but after the retirement, the same has not been given, hence, his request of voluntarily retirement could not have been accepted without payment of the said wages and, therefore, the action of the respondents in treating the petitioner voluntarily retirement is liable to be set-aside. The said arguments needs to be proved on the basis of the evidence.

6. On being asked to point out any evidence by which, before tendering the request for voluntarily retirement, any offer was made to him. No such offer has been brought either before the Labour Court or even before this Court. Further, the request of the petitioner for voluntarily retirement has been attached as Annexure P-1. A plain reading of the said letter shows that the request for voluntarily retirement at the hands of the petitioner was without any terms or conditions. In the absence of any such conditions mentioned in the letter submitted by the petitioner, the petitioner cannot be allowed to say that he was misled in submitting his voluntarily retirement application.

7. Further, no evidence has been adduced by the petitioner that any given point of time, he was given an offer that petitioner will be given voluntarily retirement and he will be paid salary for 106 days of completed year of service. In the absence of any such evidence brought on record, the



Labour Court rightly rejected the claim that the petitioner was entitled for any benefit by treating the acceptance of voluntarily retirement into termination of service so as to violative of Section 25F of the Industrial Disputes Act, 1947.

8. Further, while arguing, learned counsel for the petitioner needs to point out the perversity in the order passed by the Labour Court. No perversity has been pointed out keeping in view the findings recorded by the Labour Court as compared to the evidence which has been brought on record. In the absence of any perversity in the Award, no relief can be given to the petitioner.

9. At this stage, learned counsel for the petitioner submits that he was entitled for certain benefits such as gratuity and other for the period he had served but nothing has been paid. In case, the petitioner has any grievance qua the said issue, the petitioner should have availed appropriate remedy before the authorities concerned including the authorities as envisaged under the Payment of Gratuity Act, 1972.

10. Keeping in view the above, no ground is made out for any interference by this Court in the present petition.

11. Dismissed.

January 20, 2025
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No